

SENATE BILL REPORT

SB 5145

As Reported By Senate Committee On:
Government Operations, March 1, 1995

Title: An act relating to appeals of final orders by a growth management hearings board.

Brief Description: Appealing final decisions by growth management hearings boards.

Sponsors: Senators McCaslin, Haugen, Hochstatter and Palmer.

Brief History:

Committee Activity: Government Operations: 2/28/95, 3/1/95 [DP].

SENATE COMMITTEE ON GOVERNMENT OPERATIONS

Majority Report: Do pass.

Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Drew, Hale, Heavey, McCaslin and Winsley.

Staff: Rod McAulay (786-7754)

Background: The growth management hearings boards have jurisdiction over allegations that a state agency, county or city is not in compliance with the requirements of the Growth Management Act or the State Environmental Protection Act as it relates to plans, regulations or amendments adopted pursuant to the Growth Management Act. The growth management hearings boards may also hear allegations that the 20-year growth management planning population projections adopted by OFM should be adjusted.

A party aggrieved by a final decision of a growth management hearings board may appeal the decision to Thurston County Superior Court. An appeal must be filed within 30 days of the final order of the board.

Summary of Bill: A party aggrieved by a final decision of a growth management hearings board may appeal the decision to the superior court of the county in which the dispute arose. If the dispute involves more than one county, the appeal may be filed in any of the counties in which the matter arises. Appeals may be consolidated in the discretion of the court.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: The appeal process in the bill is more convenient and accessible to citizens. The limitation to Thurston County is too restrictive. The current system places an unfair burden on Thurston County.

Testimony Against: A regional panel of judges should be considered to develop some judicial expertise in the GMA. Allowing venue in an adjoining county should be also be considered. Expertise is needed because of the complexity of the issue.

Testified: Senator McCaslin, prime sponsor; Scott Merriman, WA Environmental Council (pro); Steve Clagett, 1000 Friends of Washington; Dave Williams, Bob Mack, AWC.